

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

EDDY ALEXANDRE and
EMINIFX, INC.

Defendants.

Case No.: 22CV3822

[PROPOSED] ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY

Plaintiff Commodity Futures Trading Commission ("CFTC" or "Commission") has filed a Complaint for Injunctive and Other Equitable Relief and Penalties Under the Commodity Exchange Act ("Complaint") against Defendant Eddy Alexandre ("Alexandre") and his company EminiFX, Inc. (collectively, "Defendants") seeking injunctive and other relief; Motions for an *Ex Parte* Statutory Restraining Order and Preliminary Injunction; and a Motion for Expedited Discovery ("Motion") pursuant to Rules 26(d)(1), 30(a) and (b), and 45 of the Federal Rules of Civil Procedure. Having reviewed the Commission's Complaint and Motion, and otherwise being fully advised in the premises,

THE COURT FINDS that, because of the nature of this matter, expedited discovery is necessary to permit the Commission immediately to identify Defendants' assets and commodity pool participants and review Defendants' books and records, including bank records, to ensure that Defendants preserve all pool participant assets, and to allow the parties to prepare adequately for any hearing on the Commission's Motion for Preliminary Injunction as the Court may conduct in this matter.

IT IS THEREFORE ORDERED that the Commission's Motion is granted. The parties are granted leave to conduct expedited discovery, including the following: (1) the taking of Defendants depositions and the depositions of up to three other witnesses prior to any hearing on the Commission's Motion for Preliminary Injunction, including by video, telephone or other remote means; (2) requesting Defendants' production of documents not otherwise required to be produced under any Statutory Restraining Order this Court may enter; and (3) the issuance of subpoenas to third parties to gain information about pool participants who may have been defrauded and to help identify and locate Defendants' assets and pool participant assets.

IT IS FURTHER ORDERED that Defendants depositions shall be taken upon two (2) business days' notice and Defendants shall respond to document production requests within two (2) business days. Non-parties shall be given five (5) days' notice for depositions and shall respond to document production requests within seven (7) days. The Court will entertain motions pursuant to Rules 26(b)(2) and 30(d) of the Federal Rules of Civil Procedure during the course of these proceedings.

IT IS SO ORDERED

Date: May 11, 2022



U.S. District Court Judge